

## Message Text

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ACTION ORM-02

INFO OCT-01 ISO-00 DHA-02 SS-15 SP-02 PM-04 INR-07 L-03  
SCA-01 VO-03 ARA-06 IO-13 /059 W  
-----032005Z 008307 /41  
R 021635Z MAR 77  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 9383

C O N F I D E N T I A L BUENOS AIRES 1663

STADIS////////////////////////////////

E.O. 11652: GDS  
TAGS: SREF, SHUM, AR  
SUBJECT: PROPOSED PAROLE PROGRAM FOR ARGENTINE DETAINEES

REF: (A) STATE 24435, (B) HILL-ZIMMERMAN LETTER 1/24/77,  
(C) BUENOS AIRES 1361

1. SUMMARY. EMBASSY HAS CONSIDERED FEASIBILITY AND USEFULNESS OF PAROLE PROGRAM FOR ARGENTINE CITIZENS FOR SOME TIME. HOWEVER, IT IS APPARENT THAT SUCH A PROGRAM WOULD BE IMPOSSIBLE TO IMPLEMENT UNDER PRESENT CIRCUMSTANCES. GOA IS EMPHATICALLY OPPOSED TO SPECIAL, FORMALIZED, FOREIGN VISA PROGRAMS OF THIS NATURE AND HAS NOT SO FAR FACILITATED RELEASE OF ARGENTINE DETAINEES WHO HAVE OBTAINED VISAS. FOREIGN EMBASSIES HERE REPORT THEY DO NOT BELIEVE PRESENT SITUATION EITHER WARRANTS OR PERMITS ESTABLISHMENT OF SPECIAL VISA PROGRAMS ON THEIR PAST BASIS. EMBASSY SUGGESTS THAT IN CASES OF EXCEPTIONAL HUMANITARIAN NEED AND WHERE SUCH AN EFFORT CAN FAVORABLY INFLUENCE RESOLUTION OF MAJOR US HUMAN INTEREST CASE, POSSIBLE COURSE OF ACTION IS LEGISLATIVE AUTHORITY OF ATTORNEY GENERAL TO CONSIDER GRANTING TEMPORARY PAROLE INTO US TO INDIVIDUALS ON HUMANITARIAN GROUNDS ON CASE BY CASE BASIS. EMBASSY WILL CONTINUE TO MONITOR SITUATION AND GOA RECEPTIVITY FOR FUTURE RECONSIDERATION OF PAROLE PROGRAM. END SUMMARY.

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WM WE HAVE CONSIDERED FEASIBILITY AND USEFULNESS OF PAROLE PROGRAM FOR ARGENTINE CITIZENS FOR SEVERAL MONTHS. THE MORE OPEN AND VOCAL STANCE TAKEN BY USG OFFICIALS ON CONTINUING HUMAN RIGHTS PROBLEMS IN ARGENTINA MAKES IT IMPORTANT THAT WE BE PREPARED TO SHARE RESPONSIBILITIES FOR RESETTLEMENT OPPORTUNITIES FOR POLITICALLY PERSECUTED NONCRIMINAL ARGENTINE CITI-

ZENS SHOULD AN INTERNATIONAL RELOCATION EFFORT EVENTUALLY BE LAUNCHED WITH GOA ACCEPTANCE AND COOPERATION. OUR RECOMMENDATION IN LETTER (REF B) THAT GOA BE MADE AWARE THAT US CONGRESS AND PUBLIC OPINION WAS CONSIDERING SUCH A MOVE WAS SUGGESTED AT THE TIME AS AN HONEST WARNING TO GOA OFFICIALS OF THE DIRECTION OF US PUBLIC THINKING ON THE PLIGHT OF ARGENTINE DETAINEES AND AS ADDITIONAL ENCOURAGEMENT FOR GOA TO TAKE STEPS TO RESOLVE PROBLEMS OF LENGTHY DETENTIONS WITHOUT CHARGE, MYSTERIOUS DISAPPEARANCES, AND NOTIFICATION OF NAMES AND WHEREABOUTS OF DETAINEES. A RETURN TO RULE OF LAW AND RESPECT FOR HUMAN RIGHTS IN ARGENTINA WOULD, OF COURSE, BE BEST SOLUTION.

3. IT IS APPARENT, HOWEVER, THAT AT THIS TIME GOA IS FIRMLY OPPOSED TO SUCH PROGRAMS AND AS SUCH, WOULD MAKE IMPLEMENTATION VIRTUALLY IMPOSSIBLE. ARGENTINE AUTHORITIES HAVE EMPHATICALLY REJECTED ANY CONSIDERATION OF SPECIAL PROGRAMS SUCH AS THAT UNDERTAKEN BY FOREIGN COUNTRIES IN CHILE. UNHCR SOURCE TOLD EMBOFF RECENTLY THAT ICEM DIRECTOR HERE (AN ARGENTINE AND FORMER OFFICIAL OF ARGENTINE IMMIGRATION SERVICE) BROACHED POSSIBILITY OF ICEM'S "COORDINATING" A PROGRAM TO ASSIST ARGENTINE DETAINEES TO GET VISAS TO LEAVE THE COUNTRY WITH INTERIOR MINISTRY OFFICIALS IN DECEMBER AND WAS GIVEN AN EMPHATIC NO. THE MINISTRY REPORTEDLY REPLIED THAT ARGENTINA DOES NOT HAVE POLITICAL PRESIONERS; IT ONLY HAS "SUBVERSIVE DELINQUENTS" WHO WOULD BE INVESTIGATED AND EVENTUALLY TRIED. ACCORDING TO UNHCR SOURCE, THE CATHOLIC CHURCH ALSO CONSIDERED OFFERING ITS SERVICES TO FACILITATE RELOCATION OF ARGENTINE DETAINEES IN RECIPIENT COUNTRIES ABROAD AND WAS REBUFFED BY AUTHORITIES.

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RM THERE IS NO INDICATION THAT AN OFFER OF A VISA OR PAROLE INTO A FOREIGN COUNTRY WOULD PROMPT ARGENTINE AUTHORITIES TO RELEASE, EXPEL OR PERMIT A CITIZEN TO LEAVE THE COUNTRY. UNHCR AND EMBASSIES HERE KNOW OF SEVERAL ARGENTINE DETAINEES WHO POSSESS VISA AND HAVE NOT BEEN ALLOWED TO LEAVE, SUCH AS EMILIO AND CARMEN D'IPOLA WHO HAVE HAD VISAS TO FRANCE, MEXICO AND CANADA FOR MORE THAN EIGHT MONTHS AND YET ARE STILL IN DETENTION WITHOUT CHARGE UNDER STATE OF SIEGE PROVISIONS. OTHERS HAVE HAD VISAS FOR MORE THAN A YEAR AND HAVE NOT BEEN ALLOWED TO LEAVE. PRIOR TO THE PRESENT GOVERNMENT, ARGENTINE CITIZENS DETAINED UNDER STATE OF SIEGE PROVISIONS HAD THE CONSTITUTIONAL RIGHT TO OPT TO LEAVE THE COUNTRY VOLUNTARILY IN LIEU OF REMAINING IN JAIL. ONCE STATE OF SIEGE WAS LIFTED, THE "VOLUNTARY EXILE" COULD LEGALLY RETURN HOME. HOWEVER, THIS RIGHT WAS SUSPENDED BY THE MILITARY GOVERNMENT IN MARCH 1976 AND THE SUSPENSION WAS EXTENDED BY LAW FOR ANOTHER 180 DAYS ON NOVEMBER 2, 1976. THE SUSPENSION HAD BEEN UPHELD BY THE SUPREME COURT ALTHOUGH A FEDERAL COURT RECENTLY RULED THAT IT COULD NOT

BE APPLIED RETROACTIVELY (PREVIOUS TO NOVEMBER 2, 1976). A HIGH-RANKING COMMISSION CHAIRED BY THE INTERIOR MINISTRY HAS UNTIL MARCH 15 TO REVIEW THE ISSUE AND DETERMINE WHETHER AND HOW THE OPTION TO LEAVE THE COUNTRY CAN BE REINSTATED (REFTEL C) IF IT IS, CITIZENS WHO EXERCISE THEIR OPTION TO LEAVE ARGENTINA MUST SPECIFY IN WHICH COUNTRY THEY INTEND TO SEEK TEMPORARY EXILE. IF AUTHORIZED TO LEAPE, THEY ARE PERMITTED ONLY TO DEPART DIRECTLY FOR THE COUNTRY SPECIFIED.

5. OTHER EMBASSIES CONSULTED ARE NOT IN FAVOR OF INITIATING SPECIAL VISA PROGRAMS FOR ARGENTINE CITIZENS. MOST BELIEVE THE SITUATION NEITHER WARRANTS NOR PERMITS SUCH PROGRAMS AT THE PRESENT TIME AND THEY PREFER TO CONTINUE HANDLING EFFORTS ON BEHALF OF ARGENTINE CITIZENS ON INFORMAL AND CASE-BY-CASE BASIS. MOST COUNTRIES, INCLUDING FRANCE, ENGLAND AND GERMANY, HAVE INSTITUTIONAL MEANS BY WHICH TO GRANT ENTRY TO ARGENTINE CITIZENS ON EMERGENCY HUMANITARIAN GROUNDS IN CASES OF PARTICU-  
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LAR NEED OR HIGH DOMESTIC POLITICAL INTEREST. THEY HAVE DONE SO IN THE PAST AND ALTHOUGH, AS MENTIONED PREVIOUSLY, THE VISA HAS GENERALLY NOT RESULTED IN THE RELEASE OF ARGENTINE DETAINEES, THESE EMBASSIES PREFER THIS APPROACH TO A MORE GENERALIZED PUBLIC PROGRAM. (FRANCE AND UK HAVE RECIPROCAL VISA ABOLITION TREATIES WITH ARGENTINA WHOSE CITIZENS DO NOT NEED VISAS FOR TEMPORARY OR TRANSIT TRAVEL AS LONG AS SOME MEANS OF SUPPORT OR EVENTUAL ONWARD TRAVEL CAN BE ASCERTAINED. IN PETITIONS TO LEAVE ARGENTINA, SOME DETAINEES HAVE SPECIFIED THESE TWO COUNTRIES WITHOUT OBTAINING PRIOR ASSURANCES OF VISAS APPARENTLY WITH INTENTION OF PROVING MEANS OF SUPPORT OR HUMANITARIAN CAUSE ONCE ARRIVED IN THE FOREIGN COUNTRY.)

6. PUBLIC ANNOUNCEMENT OF A US PAROLE PROGRAM WOULD OPEN EMBASSY TO ENORMOUS PRESSURES FROM FAMILIES AND INDIVIDUALS SEEKING RESETTLEMENT IN US. IF, AS RECOMMENDED, PROGRAM WAS LIMITED TO DETAINEES, PRESENT OPPOSITION OF ARGENTINE GOVERNMENT WOULD MAKE IT ALMOST IMPOSSIBLE TO GAIN ACCESS TO POTENTIAL CANDIDATES IN PRISON FOR NECESSARY INTERVIEWS AND TO ACQUIRE QUALIFYING SECURITY CLEARANCES.

7. GIVEN THESE CONSIDERATIONS, WE BELIEVE PAROLE PROGRAM IS NEITHER FEASIBLE NOR ADVISABLE AT THIS TIME. SINCE A PUBLIC MOVE TOWARD ESTABLISHING A PAROLE PROGRAM WOULD BE VERY NEGATIVELY VIEWED BY GOA, PROGRAM WOULD HAVE LITTLE CHANCE FOR SUCCESS. AT THE SAME TIME, US PUBLIC, CONGRESS AND, BY REQUEST, EMBASSY HAVE EXPRESSED CONSIDERABLE CONCERN TO GOA ON BEHALF OF CERTAIN INDIVIDUALS WHO HAVE EITHER DISAPPEARED OR BEEN DETAINED FOR LONG PERIODS WITHOUT CHARGE. IT IS POSSIBLE THAT IN FUTURE, PARTICULARLY SHOULD GOA DECIDE TO REINSTATE CONSTI-  
TUTIONEL OPTION TO LEAVE THE COUNTRY, AN INDIVIDUAL ON WHOSE

BEHALF USG REPRESENTATIVES HAVE EXERCISED CONSIDERABLE PRESSURE  
MIGHT BE PERMITTED TO LEAVE ARGENTINA AND YET WOULD NOT BE  
ELIGIBLE FOR QUICK ENTRY INTO US UNDER EXISTING TOURIST AND  
IMMIGRANT VISA REGULATIONS. IN SUCH A CIRCUMSTANCE, EMBASSY  
UNDERSTANDS ATTORNEY GENERAL HAS LEGISLATIVE AUTHORITY TO  
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CONSIDER GRATING IMMEDIATE PAROLE INTO THE US TO INDIVIDUALS  
ON HUMANITARIAN GROUNDS ON A CASE-BY-CASE BASIS. EMBASSY  
SUGGESTS THAT, IF ACCEPTABLE, THIS PROVISION IS AT PRESENT BEST  
ALTERNATIVE TO MORE GENERAL PAROLE PROGRAM. IN THE MEANTIME,  
EMBASSY WILL CONTINUE TO MONITOR SITUATION CLOSELY FOR POSSIBLE  
RECONSIDERATION OF PAROLE PROGRAM IN THE FUTURE.  
HILL

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## Message Attributes

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